

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

**RHASHEMA DERAMUS,
a/k/a Rhashema Shackelford**

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CR. NO. 2:11-cr-198-MEF

ORDER

Pursuant to 18 U.S.C. § 3771, the United States seeks an order authorizing the government to provide notice by publication to the large number of crime victims in this case. The Court finds that the Justice for All Act of 2004 (“the Act”) was signed into law on October 30, 2004. Title 1 of the Act, codified at 18 U.S.C. §3771, provides certain rights to victims in federal criminal proceedings. Among those rights are the right to “reasonable, accurate, and timely notice” of public court proceedings and the “right to be reasonably heard at any public proceeding in the district court involving release, plea, [or] sentencing” 18 U.S.C. §3771 (a)(2), (a)(4). The Act requires “[o]fficers and employees of the Department of Justice and other departments and agencies of the United States engaged in the detection, investigation[,] and prosecution of crime [to] make their best efforts to see that crime victims are notified of, and accorded, the rights described in subsection (a).” 18 U.S.C. §3771 (c)(1). The Act also instructs the Court to “ensure that the crime victim is afforded” those rights. 18 U.S.C. §3771 (b). The Act defines “crime victim” as a “person directly and proximately harmed as a result of the commission of a federal offense.” 18 U.S.C. §3771 (e). Under Section 3771(a)(2), crime victims have a right to “reasonable, accurate, and timely notice” of public court proceedings.

The Government asserts that potential victims of the charged conduct may include former patients of Troy Hospital, clients of the State of Alabama Department of Human Resources, former patients of Jackson Hospital, employees of Vinson Guard Services, Inc., students in Montgomery public schools, and former patients of the DeKalb Medical Center in Georgia. The Government also asserts that, while numerous alleged victims may not have been fully identified and located, it will mail letters to the individuals it has identified thus far as potential victims. The Court, therefore, ORDERS the Government to provide notice to the known victims as follows: (a) that personal notice by first class mail be given to any victim named in the indictment; (b) that personal notice by first class mail be given to any victim identified by any government agency; and (c) that the government remain under a continuing duty to give personal notice by first class mail to future victims as their identities and contact information is identified.

The Government further moves that notice by personal mail shall be administered by the Office of the United States Attorney for the Middle District, the Department of Justice, or other appropriate government agency under existing guidelines of the Department of Justice.

In cases involving hundreds, or thousands, of victims the burdens imposed by the Act are overwhelming. Because of this burden, the Act grants this Court authority to fashion alternative notification procedures when this Court finds that implementation of the prescribed requirements would be impracticable. The Act provides:

In a case where the court finds that the number of crime victims makes it impracticable to accord all of the crime victims the rights described in subsection (a), the court shall fashion a reasonable procedure to give effect to this chapter that does not unduly complicate or prolong the proceedings.

18 U.S.C. §3771(d)(2).

The Government asserts that there may be hundreds of additional victims who are unknown to the Government and who cannot be located by standard methods. The Government

also asserts that these victims may reside in Pike County, Alabama, Montgomery County, Alabama, and DeKalb County, Georgia, and elsewhere in the Middle District of Alabama. The act empowers this Court to order the Government to provide notice to those victims by publication in the manner set forth below. The Court further ORDERS the Government to provide notice by publication for those victims.

The Court also ORDERS the Government to publish the following notice in the legal notices sections of the Dothan Eagle and the Troy Messenger:

ATTENTION: FORMER PATIENTS OF TROY HOSPITAL: The United States Attorney's Office is currently prosecuting cases which allege, among other things, theft of personal identifying information of former patients of Troy Hospital and the use of that information to prepare fraudulent tax returns. These alleged thefts of that information occurred between January 17, 2011 and March 25, 2011. If you feel that you may be a victim of these alleged crimes and would like to obtain current information about these cases, please call the toll-free Victim Hotline at 1-800-699-0840 or visit our website at www.justice.gov/usao/alm/. An indictment is merely an accusation. A defendant is presumed innocent unless and until proven guilty.

The Court further ORDERS the Government to publish the following notice in the legal notices section of the Montgomery Advertiser:

ATTENTION: CLIENTS OF THE STATE OF ALABAMA DEPARTMENT OF HUMAN RESOURCES, FORMER PATIENTS OF JACKSON HOSPITAL, EMPLOYEES OF VINSON GUARD SERVICE, INC., AND PARENTS OF STUDENTS IN JEFFERSON DAVIS HIGH SCHOOL DURING THE 2009-2010 SCHOOL YEAR: The United States Attorney's Office is currently prosecuting cases which allege, among other things, theft of personal identifying information of clients of the State of Alabama Department of Human Resources, former patients of Jackson Hospital, employees of Vinson Guard Service, Inc., and students who attended Jefferson Davis High School during the 2009-2010 school year and the use of that personal identifying information to prepare fraudulent tax returns. These alleged thefts of that information occurred between January 1, 2009 and March 25, 2011. If you feel that you may be a victim of these alleged crimes and would like to obtain current information about this case, please call the toll-free Victim Hotline at 1-800-699-0840 or visit our website at www.justice.gov/usao/alm/. An indictment is merely an accusation. A defendant is presumed innocent unless and until proven guilty.

The Court further orders the Government to publish the following notice in the legal notices section of the Champion, which is published in DeKalb County, Georgia:

ATTENTION: FORMER PATIENTS OF DEKALB MEDICAL CENTER:

The United States Attorney's Office for the Middle District of Alabama is currently prosecuting cases which allege, among other things, theft of personal identifying information of former patients of the DeKalb Medical Center and the use of that information to prepare fraudulent tax returns. The theft of that information allegedly occurred between January 1, 2009 and March 25, 2011. If you feel that you may be a victim of these alleged crimes and would like to obtain current information about this case, please call the toll-free Victim Hotline at 1-800-699-0840 or visit our website at www.justice.gov/usao/alm/. An indictment is merely an accusation. A defendant is presumed innocent unless and until proven guilty.

The Court orders the Government to publish each for one day, preferably during the week of March 19, 2012.

The Court further orders the Government to establish a link on its website allowing victims to access the date of each potential hearing in this case. The Court also orders the Government, through the posting of that link, to give the following information concerning the Victim Notification System (VNS):

The VNS is designed to provide a victim with information regarding the case as it proceeds through the criminal justice system. A victim may obtain current information about this case on the VNS website at www.notify.usdoj.gov or from the VNS Call Center at 1-866-DOJ-4YOU (1-866-365-4968) (TDD/TTY: 1-866-228-2619) (International: 1-502-213-2767). In addition, a victim may use the Call Center or internet to update his/her contact information and/or change his/her decision about participation in the notification program. If a victim updates his/her contact information to include a current e-mail address, VNS will send information to that e-mail address. In order to continue to receive notification, it is the victim's responsibility to keep his/her contact information current.

A victim will use his/her Victim Identification Number (VIN) and Personal Identification Number (PIN) anytime the victim contacts the Call Center and the first time the victim logs onto the VNS website. In addition, the first time the victim accesses the VNS internet site, the victim will be prompted to enter his/her last name (or business name) as currently contained in VNS.

DONE this _____ day of March, 2012.

HONORABLE MARK E. FULLER
UNITED STATE DISTRICT JUDGE